

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BIOVAIL LABORATORIES INTERNATIONAL SRL)	
a corporation of Barbados,)	
) C.A. No. 05-586
	(KAJ)
Plaintiff,)	
)
v.)	
ANDRX PHARMACEUTICALS, LLC and)	
ANDRX CORPORATION,)	
Defendants.)	

**DECLARATION OF MATTHEW C. MARLOWE IN SUPPORT OF ANDRX'S
MOTION TO CONSOLIDATE BIOVAIL'S TWO SEPARATE ACTIONS ALLEGING
INFRINGEMENT OF THE SAME PATENT AGAINST THE SAME ANDRX
DEFENDANTS**

I, Matthew C. Marlowe, declare as follows:

1. I am an attorney and a member of the law firm Foley & Lardner LLP, counsel for Andrx Pharmaceuticals, LLC, and Andrx Corporation (collectively "Andrx").
2. My business address is 3000 K St. N.W., Suite 500, Washington, DC 20007.
3. I make this declaration in support of Andrx's Motion to Consolidate Bovail's Two Separate Actions Alleging Infringement of the Same Patent Against the Same Andrx Defendants.
4. Attached as Exhibit A is a true and correct copy of the Complaint filed in Civil Action No. 05-730, served on October 14, 2005.

5. Attached as Exhibit B is a true and correct copy of a facsimile sent from Preston K. Ratliff II to Steven A. Maddox, dated November 29, 2005.

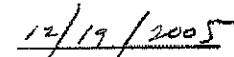
6. Attached as Exhibit C is a true and correct copy of Andrx's Response to Biovail's First Set of Requests for Documents and Things, served December 7, 2005.

7. Attached as Exhibit D is a true copy and correct copy of a facsimile sent from Preston K. Ratliff II to Steven A. Maddox, dated December 7, 2005.

I swear under penalty of perjury that the foregoing is true and correct.



Matthew C. Marlowe



Date